

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 6, 2009**

**DIVISION ONE**

1005458-09

The Honorable **RONALD LAWRENCE BAUER**, Judge of the Superior Court of California, County of Orange, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

**March 18, 2009**

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

March 4, 2009

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

DIVISION ONE (continued)

B202315      In re Robert de la Barcena      (Not for Publication)  
B203772      on  
B203772      Habeas Corpus

The petitions for writs of habeas corpus are granted. The Board is directed to find De La Barcena suitable for parole unless, within 30 days of the finality of this decision, the Board holds a hearing and determines that new evidence of De La Barcena's conduct in prison subsequent to his 2007 parole hearing supports a determination that he currently poses an unreasonable risk of danger to society if released on parole. In the interests of justice and to prevent frustration of the relief granted, this decision shall be final as to this court five days after it is filed. (Cal. Rules of Court, rule 8.387(b)(3)(A); In re Gaul (2009) 170 Cal.App.4th 20, 41.)

Mallano, P.J.

We concur:    Rothschild, J.  
                      Weisberg, J. (Assigned)

DIVISION TWO

B209944      People      (Not for Publication)  
                      v.  
                      Torres

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

DIVISION THREE

B206243      Weisdorf-Mahserjian      (Not for Publication)  
v.  
Serco, Inc.

The judgment is affirmed. Plaintiff and defendant shall bear their own costs on appeal.

Kitching, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

DIVISION FOUR

B200015      People      (Not for Publication)  
v.  
David

Three of the enhancements imposed by the trial court under section 667.51 are reversed, and as modified, the judgment of conviction is affirmed. The case is remanded to the trial court to correct the abstract of judgment to reflect the single enhancement imposed on the aggregate term under section 667.51 and to reflect the actual sentences imposed by the trial court on counts two and three.

Epstein, P.J.

We concur:   Willhite, J.  
                 Manella, J.

March 6, 2009 (Continued)

## DIVISION FOUR (continued)

[illegible]

The order of wardship is affirmed.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

B206087      Groppe      (Not for Publication)  
v.  
Spring

The order granting the motion to disqualify counsel is affirmed. Respondent shall recover her costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.  
Willhite, J.

## DIVISION FIVE

B205061      People  
v.  
Satish Shetty

Cause submitted.

## DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

DIVISION SEVEN (continued)

Each of the following:

B207901 DCFS v. Alexander C.  
B208744 DCFS v. Lisa E.  
B209266 DCFS v. James G.  
B209748 DCFS v. Rebecca N.  
B209819 DCFS v. J. D.  
B210526 DCFS v. Ryan B.

Argument waived, cause submitted.

B210122      Los Angeles County, D.C.F.S.  
                 v.  
                 Ericka T.

Merits:

Argued by Roland Koncan for appellant and by Aleen Langston, Deputy  
County Counsel for respondent. Cause submitted.

B205592      Los Angeles County, D.C.F.S.  
                 v.  
                 Judith B.

Merits:

Argued by Anna Ollinger for appellant and by Timothy O'Crowley, Deputy  
County Counsel for respondent. Cause submitted.

B208002      Los Angeles County, D.C.F.S.  
                 v.  
                 Judith B.

Merits:

Argued by Anna Ollinger for appellant and by Timothy O'Crowley, Deputy  
County Counsel for respondent. Cause submitted.

DIVISION SEVEN (continued)

B204865     Howard, et al.  
              v.  
              Encino Group Retail et al.,

Merits:  
Argued by Steven Goldberg for appellants and by David Ossentjuk for respondents. Cause submitted.

B205951     LeMay  
              v.  
              Charles R. Drew University of Medicine & Science

Merits:  
Argued by Mark Ravis for appellant and by Shannon Boyce for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:00 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

B207968     Popescu v. Keyes European, LLC et al.,  
  
              Argument waived, cause submitted.

B206044     Brown  
              v.  
              Rombro & Associates

Merits:  
Argued by Eric Kuzdenyi for appellant and by Roger Rombro for respondent. Cause submitted.

DIVISION SEVEN (continued)

B202943     People  
              v.  
              Montoya

Merits:  
Argued by Linn Davis for appellant and by Sharlene Honnaka, Deputy Attorney General for respondent. Cause submitted.

B209043     In re Pedro Montoya  
              on  
              Habeas Corpus

Merits:  
Argued by Linn Davis for petitioner and by Sharlene Honnaka, Deputy Attorney General for respondent. Cause submitted.

B206685     Thomas  
              v.  
              Isaacs, et al.

Merits:  
Argued by Donald Iwuchukwu for appellant and by Kathryn Albarian for respondents. Cause submitted.

B205809     Montanez, et al.  
              v.  
              City of Baldwin Park, et al.

Merits:  
Argued by Jance Weberman for appellants and by Kevin Louth for respondents. Cause submitted.

Court adjourned.

DIVISION SEVEN (continued)

B203237      Oliva et al.  
v.  
Haven Construction

Filed order denying petition for rehearing.

DIVISION EIGHT

B209603      Club Safari, Inc.,      (Not for Publication)  
v.  
City Of Los Angeles

The judgment is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.  
O'Neill, J. (Assigned)

B205380      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
M.T.H. et al.,  
In re T.H., a Person Coming Under the Juvenile Court Law.

The order is affirmed.

Flier, Acting P.J.

We concur: Bigelow, J.  
O'Neill, J. (Assigned)



DIVISION EIGHT (continued)

B205205      Kevorkov      (Not for Publication)  
v.  
Geico Direct

The summary judgment is reversed. The cause is remanded to the trial court with directions to vacate its order granting Geico's motion for summary judgment, and to enter a new order denying Geico's motion for summary adjudication of Kevorkov's first cause of action for breach of contract, and granting Geico's motion for summary adjudication of Kevorkov's second cause of action for tortious breach of the covenant of good faith and fair dealing; third cause of action for violation of section 790.03; fourth cause of action for violation of section 661; fifth cause of action for violation of section 1861.03, subdivision (c)(1); sixth cause of action for violation of section 11580.09, subdivision (c); seventh cause of action for intentional misrepresentation (fraud); eighth cause of action for negligent misrepresentation; ninth cause of action for intentional infliction of emotional distress; and 10th cause of action for negligent infliction of emotional distress. The parties are to bear their own costs on appeal.

Bigelow, J.

We concur: Rubin, Acting P.J.  
Flier, J.

B209820      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
S.H.,  
In re L.B. et al., a Persons Coming Under the Juvenile Court Law.

The visitation order as to L.B. is reversed, and the juvenile court is directed to fashion a new visitation order as to L.B. specifying when visitation with mother is to commence and prescribing guidelines for such visitation. In all other respects the dispositional order is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
Bauer, J. (Assigned)